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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,302	11/21/2003	Joseph Jaroff	15554	3014
23389 7590 04/02/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER				
CHEN, JOSE V				
ART UNIT		PAPER NUMBER		
3637				
MAIL DATE		DELIVERY MODE		
04/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,302

Applicant(s)

JAROFF, JOSEPH

Examiner

José V. Chen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4 and 6-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 4, 6-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 10, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Belcher.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 4, 8, 10, 13, 14, 15, 16, 17, 18, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belcher in view of Jellies and Dame et al. The patent to Belcher teaches structure substantially as claimed including base structure (fig. 1), upright columnar member (B) mounted on the base structure and including a plurality of vertically spaced paired notches (17), support surface (shelf) (29) having a cutout (30), crossbar (11), the only difference being that the cutout is not narrower towards the columnar member and the columnar member does not include specific wiring means structure. However, the patent to Jellies teaches the use of providing a shelf member with a cutout narrower towards a columnar member to provide a connection and the patent to Dame et al teaches the use of providing wiring means in a columnar structure member to provide communications means to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Belcher to include a shelf member with a opening that narrows towards the columnar member to provide a connection, as taught by Jellies and to include wiring communications means, as taught by Dame et al since such structures are conventional alternative structures used in the same intended purpose and would have been a predictable result thereby providing structure as claimed. Note the end cap of Dame et al. The use of plastics, metals, wood materials in the formation of shelving, tables, book end mounts, are well known in the art and are commercially available. Applicant is given official notice of such.

Claims 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belcher in view of Jellies and Dame et al as applied to the claims above, and further in view of Brown et al. The patent to Belcher in view of Jellies and Dame et al teach structure substantially as claimed as discussed above including base, the only difference being that the base does not include radial supporting members. However, the patent to Brown et al teaches the use of providing radial supporting members to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Belcher in view of Jellies and Dame et al to include radial support members, as taught by Brown et al since such structures are conventional alternative structures used in the same intended purpose thereby providing structure as claimed. The use of leveling feet, gusset plates is conventional well known commercially available structures. Applicant is given official notice of such. To use such well known structures in the same well known purpose would have been obvious, predictable and well within the level of ordinary skill in the art.

Claims 9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belcher et al in view of Jellies and Dame et al as applied to the claims above, and further in view of Wang. The patent to Belcher in view of Jellies and Dame et al teach structure substantially as claimed as discussed above including a columnar member, the only difference being that the member is not tilted. However, the patent to Wang teaches the use of providing a tilted columnar member to provide ergonomics to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Belcher in view of Jellies and Dame

et al to include columnar members at a tilt, as taught by Wang since such structures are conventional alternative structures used in the same intended purpose and would have been predictable, thereby providing structure as claimed.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Belcher in view of Jellies and Dame et al as applied to the claims above, and further in view of Charny. The patent to Belcher in view of Jellies and Dame et al teach structure substantially as claimed as discussed above including support surface, the only difference being that the support surface does not include a structure to "suspend" a computer component. However, the patent to Charnay (fig. 4c) teaches the use of providing a structure to "suspend" a computer component to be old. It would have been obvious and well within the level of ordinary skill in the art at the time of the invention was made to modify the structure of Belcher in view of Jellies and Dame et al to include a structure to "suspend" a computer component, as taught by Charnay since such structure is used in the same intended purpose and would have been predictable, thereby providing structure as claimed.

Response to Arguments

Applicant's arguments filed 01/08/08 have been fully considered but they are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (571)272-6865. The examiner can normally be reached on m-f,m-th 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571)272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

José V. Chen
Primary Examiner
Art Unit 3637

/José V. Chen/
Primary Examiner, Art Unit 3637
03/20/08